United Nations S/AC.49/2017/67

Security Council

Distr.: General
26 May 2017
English
Original: Spanish

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 25 May 2017 from the Permanent Mission of Panama to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Panama presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and transmits herewith the report on measures taken by Panama to fulfil the mandates set out in Security Council resolution 2321 (2016) (see annex).

The Permanent Mission of the Republic of Panama wishes to note that, in accordance with paragraph 36 of Security Council resolution 2321 (2016), this report reflects the action taken by Panama to implement the measures adopted by the Security Council with regard to the Democratic People's Republic of Korea.

17-09244 (E) 120617 140617

Please recycle

Annex to the note verbale dated 25 May 2017 from the Permanent Mission of Panama to the United Nations addressed to the Chair of the Committee

Report of Panama on the implementation of Security Council resolution 2321 (2016)

In accordance with the mandates set out in Security Council resolution 2321 (2016), the Republic of Panama has the honour to submit its report on measures taken within the country to fully implement the measures adopted by the Security Council.

Legislative measures

By Act 23 of 27 April 2015, Panama took measures to prevent money-laundering, terrorism financing and financing of proliferation of weapons of mass destruction, including a preventive freezing procedure pursuant to Security Council resolution 1718 (2006) and subsequent Security Council resolutions.

In addition, by Executive Decree 587 of 4 August 2015, the procedure for the preventive freezing of property and assets of the individuals and companies listed by the Security Council sanctions committees, including the Security Council Committee established pursuant to resolution 1718 (2006), is regulated

By Executive Decree 324 of 19 July 2016, the Counter-Terrorism Department and the Committee for the Prevention of Terrorism and Terrorism Financing were established within the executive secretariat of the National Security Council, which is tasked with analysing information and coordinating the exchange of information relating to individuals and companies that are linked to or may be acting on behalf of listed persons, including those involved in the financing of weapons of mass destruction. The bodies created by this instrument are responsible for implementing Security Council resolution 1718 (2006) and subsequent Security Council resolutions at the national level.

Moreover, under Panamanian criminal legislation, the possession, use and financing of weapons of mass destruction are criminalized and are punishable by prison sentences of between 20 and 30 years.

Measures related to mining activities

Through the Ministry of Trade and Industry, the authority in charge of regulating mining activities in the country, Panama has taken measures to verify and establish that no individuals or entities currently associated with the Democratic People's Republic of Korea maintain concessions for the mining or extraction of metallic or non-metallic minerals in Panama or are applying for permits for that purpose.

Measures related to dual-use materials

In accordance with international mandates, Panama is currently working to adopt an executive decree that establishes control measures for the secure trade and transportation of dual-use materials for purposes of national and international security. This instrument is expected to be adopted in the coming months and efforts are under way to ensure its full implementation. Meanwhile, customs measures are being taken to prevent the use of Panamanian jurisdiction for the transport or transfer of dual-use materials without proper supervision.

International cooperation measures

Intelligence entities are working with their counterparts in other countries to increase information exchange, including through international alerts and intelligence cooperation, in order to determine whether the individuals on the lists of the Security Council Committee established pursuant to resolution 1718 (2006) or on national lists are conducting in Panama, either directly or through an intermediary individual or entity, any of the activities prohibited by the Security Council.

Asset-freezing measures

In accordance with Security Council mandates and pursuant to Act 23 of 27 April 2015 and Executive Decree 587 of 4 August 2015 regarding preventive freezing, Panama, through the Ministry of Foreign Affairs and the Financial Analysis Unit, enacted preventive administrative measures to freeze the property and assets of the individuals listed in Security Council resolution 2321 (2016). This process involves sending financial and non-financial reporting entities the updated sanctions list of the Security Council Committee established pursuant to resolution 1718 (2006) so that they can consult their databases in order to determine whether any of their clients are subject to restrictive measures imposed by Security Council resolutions. If so, reporting entities are required to withdraw the relevant assets from the market, freeze them and cancel any transactions in progress, and to subsequently notify the Financial Analysis Unit, which must inform the Office of the Attorney-General of the positive findings in order to proceed with the judicial ratification of the freezing measures.

Preventive security measures

In accordance with the mandates set out in Security Council resolution 2321 (2016), the consolidated list of individuals and entities has been disseminated to airports, ports and points of entry into Panama in order to ensure that alerts are issued and listed persons are denied entry into and transit through the country. Port facilities have also been notified of the prohibitions contained in that resolution against the use of such facilities by listed individuals and entities.

Insurance-related measures

The Superintendency of Insurance and Reinsurance of Panama issued circular SSRP-OAL-025-2017 [http://www.superseguros.gob.pa/images/circulares/2017/Cir-025.pdf], whereby it informed all of the entities under its supervision of the content of Security Council resolution 2321 (2016) and issued a request for information from all insurance and reinsurance companies in Panama regarding the provision of insurance and reinsurance services for vessels owned or controlled by the Democratic People's Republic of Korea. The responses received were negative.

Immigration measures

In accordance with Security Council resolution 2321 (2016), the National Immigration Service has implemented specific measures aimed at preventing the entry into and transit through the country of the persons listed in annex I to that resolution, who are subject to a travel ban. These measures include:

(a) Addition to the database of an immigration alert to prevent entry. In accordance with article 50 (Grounds for non-admission), paragraph 5 of Decree-Law 3 of 22 February 2008, which provides for the denial of entry into or transit through the country to travellers who constitute a risk or threat to national security

or the international community, an alert to prevent the entry of individuals listed in annex I of Security Council resolution 2321 (2016) was incorporated in the integrated immigration system at all immigration control points to ensure that, in the event that these individuals attempt to enter the country or are identified as transit passengers, the following steps are taken:

(i) Deny entry. When an individual is identified through the immigration alert, he or she will not be allowed to enter the country.

(ii) Hold. While coordination procedures are carried out, the individual will be brought to the offices of the National Immigration Service under appropriate supervision before he or she is turned over to the competent authorities.

(iii) Turn over to authorities. Once the appropriate background checks have been conducted at the National Immigration Service, the individual will be turned over to the competent authorities.

(b) Security check. Successful entry visa applications received by the National Immigration Service from consulates in Panama, which require prior authorization from the executive body, are duly verified and transmitted to the executive secretariat of the National Security Council for approval or rejection; this helps with the identification of members of the Government, government officials and members of the armed forces of the Democratic People's Republic of Korea. Applications from these individuals are rejected. In the last five years, no entry visa applications from citizens of the Democratic People's Republic of Korea have been recorded.

(c) Verification of legalization procedures. Statistics on legalization procedures were verified in order to determine whether citizens from the Democratic People's Republic of Korea had been legalized in the last ten years. No record of legalization of such citizens through any channels was found.

Customs measures

Within the framework of Security Council resolution 2321 (2016), the Inter-institutional Risk Analysis Office of the National Customs Authority established two selectivity regulations for the control of goods arriving from the Democratic People's Republic of Korea.

(a) Regulation No.: RP2017010301981 relating to red channel goods (physical examination and documentary check), instituted on 4 January 2017.

Name of regulation: goods from the Democratic People's Republic of Korea

Description: Verify goods arriving from the Democratic People's Republic of Korea that could be used for the proliferation of nuclear, chemical or biological weapons or pose a threat to national or international peace and security. In accordance with note DGOCI DG-MIRE-2016-27663 regarding Security Council resolution 2270 (2016).

(b) Regulation No.: RP2016122901979 relating to red channel goods (physical examination and documentary check), instituted on 4 January 2017.

Name of regulation: products from the Democratic People's Republic of Korea

Description: prevent the entry of products arriving from the Democratic People's Republic of Korea such as: coal, iron, iron ore, aviation gasoline, naphtha-type jet fuel, kerosene-type jet fuel and kerosene-type rocket fuel. Products such as gold, gold ore, titanium ore, vanadium ore and rare earth minerals also may not be

imported from the Democratic People's Republic of Korea unless approved by the Committee for humanitarian reasons.

The controlled tariff items are as follows:

2530.90.90.00	2601.11.00.00	2601.12.00.00
2601.20.00.00	2614.00.00.00	2615.90.00.00
2616.90.10.00	2710.12.14.00	2710.12.92.00
2710.19.10.00	3802.10.00.00	7108.11.00.00
7108.12.00.00	7205.21.00.00	7205.29.00.00

In addition, the Directorate of Information Technology of the National Customs Authority searched within the system and found no records of imports or exports or cargo movements (cargo manifests) from listed entities and individuals. In addition, no records of movements of goods to or from the Democratic People's Republic of Korea were found in the system.

Consequently, Panama has taken the necessary measures to comply with previous Security Council resolutions on related matters, including, inter alia, Security Council resolutions 1540 (2004) and 2270 (2016).